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1941 Supplement

To

Mason's Minnesota Statutes

1927

1939 to 1941

(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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1941

5630. Commissioner—General powers and duties; etc.

(5). Commissioner of conservation authorized to sell state fisheries plant and equipment, state fish hatchery and equipment and appurtenant buildings located at Redby, Minnesota. Act Mar. 12, 1941, c. 61.

PART IX.—COMMISSIONER AND WARDENS

5630-1. Sale or exchange of land.—Whenever lands to which title has been acquired in the name of the state, for the purpose of public hunting grounds, under the provisions of Mason's Supplement 1940, Section 5630, shall be found by the commissioner of conservation to be unsuitable for the purpose of establishing and maintaining the same as public hunting grounds and game refuges, he shall have the authority, subject to the approval of the executive council, to sell or dispose of such lands at a price not less than that for which they were purchased, or he may exchange said lands for lands of equal value that are suitable for rounding out, enlarging, filling in, or adding to areas upon which public hunting grounds have been established. (Act Apr. 24, 1941, c. 404, §1.)

5630-2. Proceeds of sale.—The proceeds from any sales shall be paid in to the state treasury and credited to the public hunting ground fund and are hereby appropriated and made available for the authorized uses and purposes of such fund. (Act Apr. 24, 1941, c. 404, §2.)

5636. Disposition of fines—Cost of keeping and maintaining game law violators.—All fines collected for violation of any law relating to wild animals, game birds and fish shall be paid to the county treasurer of the county where the conviction was had and one-half of said fines shall be by that officer transmitted to the commissioner, who shall pay the same into the state treasury. The remaining half of said fines shall be credited to the general revenue fund of the county; provided, however, that the board of county commissioners of any county may direct the payment of all

such fines to the state treasurer and thereafter such fines shall be paid to the state treasurer. In any county where all such fines are paid to the state treasurer, the costs of keeping and maintaining prisoners for violation of any law relating to wild animals, game birds and fish, shall be paid out of the game and fish fund unless otherwise paid. The county auditor shall monthly prepare and certify a statement itemizing the costs to the county of keeping and maintaining any such prisoners, and shall submit the same to the commissioner of conservation, who shall cause the same to be paid out of the game and fish fund. (As amended, Act Apr. 22, 1941, c. 368, §1.)

Statutes divide proceeds of fine for game law violation, irrespective of what enforcement officer makes arrest and takes part in prosecution. Op. Atty. Gen. (989a-6), Oct. 4, 1940.

Provision for payment of one-half of fines collected into state treasury applies only to fines collected and does not affect general rule that statutory costs of prosecution, when not paid by defendant, shall be paid by county. Op. Atty. Gen. (208G-8), Oct. 16, 1940.

5637. Removal of fish from shallow lakes.—The director of the division of game and fish may whenever after investigation, he finds that any fish are in danger of smothering in winter by reason of the shallowness of the waters inhabited by them, take the same in any manner at any time from such shallow lakes or sloughs, and may transfer such as may be suitable for stocking purposes to other waters in this state, and may sell such as are not deemed suitable by him for stocking purposes, or the director may, by published order, open such waters to fishing in any manner except with the use of seines or explosives, by residents of the state of Minnesota for personal use only and not for sale. (As amended Act Feb. 27, 1941, c. 32, §1.)

5640. Additional protection—Governor's orders.

An actual finding of danger of depletion or extinction must be made as a basis for an order. Op. Atty. Gen. (211B-2), Oct. 25, 1939.

This section, as amended, is affected by Laws 1939, chapter 424, amending sections 5568 and 5570, relating to pike, pickerel, muskellunge and crappies. Id.

CHAPTER 33**Public Libraries****STATE PUBLIC LIBRARY COMMISSION****5656 and 5657. [Repealed.]**

Repealed. Laws 1941, c. 169 except as therein provided.

5658. Purchase of books—Office. [Repealed.]

Repealed. Laws 1941, c. 169 except as therein provided. Reenacted as §3156-1(18).

State library has no authority to refund money paid for books borrowed, lost, paid for, and later found and returned. Op. Atty. Gen. (285), Jan. 9, 1941.

5659 and 5660. [Repealed.]

Repealed. Laws 1941, c. 169, except as therein provided. Reenacted as §§3156-1(19) and 3156-1(20).

PUBLIC LIBRARIES AND READING ROOMS**5662. When established by vote—Existing libraries.**

Cities or villages adopting home rule charter may provide therein for maintenance of existing library and manner of control. Op. Atty. Gen., (285a), Dec. 27, 1939.

5665. Organization of board—Rules, etc.

All claims against village library fund should first be approved and ordered paid by library board, and should then be forwarded to village council, where they should be paid in same manner as other claims are paid, council passing upon propriety and legality of claims, but not upon wisdom of library board action. Op. Atty. Gen., (285a), May 21, 1940.

City of Northfield may invest funds of library in special improvement certificates of the city. Op. Atty. Gen. (285), Oct. 11, 1940.

Library board has authority to increase salaries of employees during fiscal year and make increase retroactive, provided no limitations are imposed by charter provisions or fire laws or regulations and is within budget. Op. Atty. Gen. (285a), Feb. 28, 1941.

5666. Nonresidents—Contracts to loan books—Tax.

Considering sections 673, 1591, and 5666 together, county cannot contract for library service for county through cities outside county if there is a public library in the county, though inconveniently located. Op. Atty. Gen., (285), Nov. 10, 1939.

5667. Directors now in office—Report.

It is mandatory that every library should make its report in July. Op. Atty. Gen. (285), Aug. 28, 1940.

5670. Law libraries.

Laws 1939, c. 96. Repealed. Laws 1941, c. 372.

Act Apr. 22, 1941, c. 372, §§2, 3, provides that money collected under provisions of Laws 1939, c. 96, shall be paid to county treasurer who, upon order of the district court may pay it out for the purchase of law books for the county, and section 4, provides for the reimbursement of one who has paid costs in any action to the clerk, under Laws 1939, c. 96.

Act Apr. 10, 1941, c. 193, provides that in counties having assessed valuation, excluding money and credit, in excess of \$19,000,000, population of 36,000 to 37,000, and 22 to 24 townships, a law library may be established by order of a judge of the district court of said county.